

Message Text

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ACTION NEA-12

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FM AMEMBASSY ATHENS

TO SECSTATE WASHDC 2082

C O N F I D E N T I A L ATHENS 0031

E.O. 11652: GDS

TAGS: PGOV, GR

SUBJECT: NEW CONSTITUENT ACT ABOLISHES CONSTITUTIONAL COURT

1. CONSTITUENT ACT NUMBER TWO ABOLISHING CONSTITUTIONAL COURT BECAME EFFECTIVE DECEMBER 31, 1973 THROUGH PUBLICATION IN GOVERNMENT GAZETTE. ACT STATED THAT "ALL PROVISIONS CONTAINED IN CONSTITUTION 1968 (AS AMENDED 1973) RELATING TO FORMATION, FUNCTIONING AND COMPETENCE OF CONSTITUTIONAL COURT, AND LIFE TENURE ITS MEMBERS, ARE ABOLISHED". REMAINDER OF ACT SPELLED OUT PROVISIONS FOR FORMER COURT MEMBERS TO REGAIN PRIOR PUBLIC POSTS WITHOUT LOSS OF RANK OR SENIORITY, OR TO RECEIVE CREDIT FOR SPECIAL PERIOD PENSIONABLE SERVICE. (FULL TEXT BY SEPARATE AIRGRAM).

2. COMMENT: CONSTITUTIONAL COURT HAS BEEN CONTROVERSIAL SINCE IT FIRST ESTABLISHED BY 1968 CONSTITUTION (SEE ATHENS AIRGRAM A-324 - NOVEMBER 2, 1973 FOR RELATED ANALYSIS). SINCE ITS POWERS INCLUDED RIGHT TO MAINTAIN CONTINUOUS SUPERVISION OVER POLITICAL PARTIES, FORMER POLITICIANS FEARED COURT COULD BECOME REGIME INSTRUMENT OF UNTOWARD INTERFERENCE AND CONTROL OVER NATION'S POLITICAL PROCESSES, ONCE PARTIES PERMITTED OPERATE. ACCORDINGLY, ABOLITION OF COURT -- AND STRIPPING OF PRESIDENT OF EXTRAORDINARY POWERS EFFECTED BY FIRST CONSTITUENT ACT (ATHENS-8863, DECEMBER 1973) -- CAN ONLY BE WELCOMED BY FORMER POLITICAL WORLD AS STEPS IN RIGHT DIRECTION. QUESTION COULD

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ARISE WHY GOG FELT ANY NECESSITY THIS TIME TO ABOLISH COURT SINCE

PRE-CONDITIONS REQUIRED FOR EXERCISE ITS FUNCTIONS CERTAINLY NOT
EXISTENT NOW NOR LIKELY EXIST NEAR FUTURE. FURTHERMORE, NEW
YEAR'S MESSAGE PRESIDENT GHIZIKIS CLEARLY IMPLIED A TOTALLY NEW
CONSTITUTION TO BE DRAWN UP IN FUTURE. MOST LIKELY EXPLANATION
LIES IN FACT THAT UNDER TERMS CONSTITUENT ACT ONE (ATHENS 8863)
ALL PROVISIONS 1968/1973 CONSTITUTION REMAIN FULLY IN FORCE
UNLESS SPECIFICALLY ABOLISHED OR AMENDED. GIVEN THAT FACT,
CURRENT GOVERNMENT PROBABLY ANXIOUS TO ELIMINATE FROM FUNDAMENTAL
LAW OF LAND ANY ELEMENTS DIVISIVE AND CONTROVERSIAL IN NATURE AND
WHOSE TERMS WOULD BE CONSTANT REMINDER OF THE PERSONALIZED
AUTHORITARIAN REGIME OF THE OVERTHROWN PAPADOPOULOS. ALTERNATIVE-
LY, THIS CURIOUS PIECEMEAL ACTION ON AN INACTIVE SUBJECT COULD
SIMPLY BE A REFLECTION OF INEFFECTUENCY SHOWN BY NEW GOVERNMENT
IN COMING TO GRIPS WITH MYRIAD OF PROBLEMS FACING IT.
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